REMARKS

Claims 1-27 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-27 under 35 U.S.C. § 102(e) as being anticipated by Mangipudi et al. (U.S. Patent 6,728,748) (hereinafter "Mangipudi"). Applicant respectfully traverses this rejection for at least the reasons below.

Regarding claim 1, contrary to the Examiner's assertion, Mangipudi fails to disclose *propagating* the quality of service context with the request in the server system. The Examiner cites column 10, lines 25-31. However, the cited passage makes no mention of propagating the quality of service context with the request. Instead, the cited passages only teaches that a load balancing algorithm is used to determine a specific back-end server and that the request will be load balanced to that particular back-end server. Thus, Mangipudi only teaches that a class of service is defined for an incoming request and based on that class of service, the request will be forwarded to a particular server machine (Mangipudi, column 5, lines 36-43; column 6, lines 9-10; column 7, lines 60-64; column 7, line 67- column 8, line 5). Mangipudi does not mention anything regarding propagating a quality of service context with the request in the server system. Instead, as noted above, Mangipudi merely teaches forwarding a request to a particular server (or server cluster) based on a class of service. No quality of service context travels with the request in Mangipudi's server system.

In the Response to Arguments, the Examiner refers to Mangipudi's teachings regarding using a load-balancing algorithm to select a particular server, again citing column 10, lines 25-31. The Examiner states, "Mangipudi explicitly states that a class (or class of service) is assigned to the request" and that this "clearly meets the limitation of propagating the quality of service context with the request" and that "if this class

context is not propagated with the request, the server would not be able to do its job". The Examiner's interpretation of Mangipudi is incorrect. Mangipudi does not disclose anything that implies that a quality of service context is propagated with a request. Instead, Mangipudi teaches that incoming traffic is processed by a router that assigns a class (or class of service) to each request. Mangipudi also teaches that this same router forwards the request on to a particular server or cluster of servers (in which each server is capable of responding to any request to promote load sharing). *See* Mangipudi, column 9, lines 20-44).

Since, as explicitly taught by Mangipudi, the same router that determines and assigned a class of service also routers the request to a particular server, the Examiner's contention that in Mangipudi the quality of service context must be propagated with the request is clearly incorrect. There is no need for the router in Mangipudi to propagate a quality of service context with the request. Instead, the router simply sends the request to a server for the assigned class of service. The Examiner's contention that unless the quality of service context is propagated with the request, "the server would not be able to do its job" is unsupported by Mangipudi's teachings. Having a router receiving incoming traffic, assign a class of service and, based on the assigned class, forward the request on to a particular server, does not disclose, nor require, propagating a quality of service context with a request. Neither the router nor server in Mangipudi require any quality of service context to be propagated with the request to function as intended. Instead, the router determines the class of service and sends the request to the appropriate server. This operation clearly does not require or suggest that any quality of service context be propagated with the request. Mangipudi does not mention that the back-end server in any way requires or uses the assigned class of service. Instead, Mangipudi teaches that each cluster or group of servers can be designated with a particular class of service and that, based on this class, a request will be directed to one of the clusters. *See*, Mangipudi, column 9, lines 53-55. Thus, as noted above, Mangipudi teaches assigning an incoming request a particular class, and based on that class, forwarding the request to a particular server or cluster. Since the receiving server is already designated by the particular class of service and since the requests forwarded to that server are also assigned the same class

of service, not only is there no need to a propagate a quality of service context with a request in Mangipudi's system, it would service no purpose.

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The **identical** invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Mangipudi clearly fails to disclose propagating the quality of service context with the request in the server system. Therefore, Mangipudi cannot be said to anticipate claim 1.

For at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 10 and 19 as well.

Regarding claim 6, Mangipudi fails to disclose propagating the same quality of service context with a subsequent request related to the request. The Examiner cites column 11, lines 38-41 where Mangipudi describes that since, the load-balancing algorithms of Mangipudi's system are "session aware" subsequent requests from the same client "will be routed to the same back-end server." The cited passage does not, however, mention anything about *propagating the same quality of service context with a subsequent request.* Merely routing a subsequent request to the same server machine does not imply propagating the same quality of service context with a subsequent request. Moreover, as shown above regarding claim 1, Mangipudi does not propagate quality of service contexts with requests at all, whether original or subsequent requests.

In the Response to Arguments section, the Examiner again cites column 11, lines 38-41 and refers to Mangipudi's teaching that subsequent requests in the same session are routed to the same server and that since these subsequent requests are from the same

client they are assigned the same class of service. However, Mangipudi teaches (at the Examiner's cited passage) that the requesting client's IP address and port are used to uniquely identify a session. Furthermore, as discussed above regarding claim 1, Mangipudi teaches that the router receiving the incoming traffic both assigned a class of service to a request and forwards the request to a server designated to a handle that class of service. A subsequent request from the same client will be recognized as being in the same session, based on the client's IP address and port number, and therefore forwarded to the same server or another server in the same server group. Thus, there is no teaching in Mangipudi nor need in Mangipudi's system to propagate the same quality of service context with a subsequent request related to a first request. Instead, subsequent requests are routed based on sessions using a client's IP address and port, and not based on any propagated quality of service context. Thus, the Examiner's interpretation of Mangipudi is incorrect.

Thus, the rejection of claim 6 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 15 and 25.

Regarding claim 7, Mangipudi fails to disclose **inserting** the quality of service context adjacent to at least one of a security and transaction context. The Examiner cites column 10, lines 21-25. However, the cited passage makes absolutely no mention of inserting a quality of service context adjacent to at least one of a security and transaction context. Instead, the cited passage only states that classification of traffic based on Mangipudi's techniques allows for differentiation of service and prioritization of revenue generating transactions versus non-revenue generating transactions. Mangipudi does not teach anything regarding inserting a quality of service context adjacent to at least one of a security and transaction context.

In the Response to Arguments, the Examiner again cites column 10, lines 21-25 and contends argues that Mangipudi's system "shows transaction prioritization used in conjunction with the class of service parameters" and that "[t]his meets the limitation of

an adjacent transaction context." However, the Examiner has failed to consider the fact that claim 7 recites, *inserting* the quality of service context adjacent to at least one of a security and transaction context. The mere fact that Mangipudi teaches a system in which a client's class of service may be based on a transaction and or an authentication process does not disclose ***inserting*** a quality of service context adjacent to a security and/or transaction context. Mangipudi does not mention ***inserting*** a quality of service context into anything or adjacent to anything. The Examiner has clearly misinterpreted the teachings of Mangipudi and failed to consider the specific language and limitation of Applicants' claim.

Thus, the rejection of claim 7 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks apply to claims 16 and 25.

Applicant also asserts that numerous other ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90800/RCK.

Also enclosed herewith are the following items:

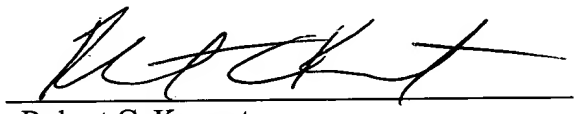
☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Other:

Respectfully submitted,



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